

then before the Lieutenant Governor a certificate showing that there had been no resignation of Senator Collins.

6.

Resolution by Willacy to the effect that there are no vacancies of any of the Senators elected to the Senate at the general election held on November 8, 1910, followed by a brief and argument.

That a full hearing by the committee was accorded the contestant, Hon. J. T. Adams and his attorney, and also to the Hon. V. A. Collins, contestee.

That your committee, after hearing all of the documents and papers hereinbefore mentioned, and all of the evidence adduced, and all arguments of the parties and their counsel, and having fully considered the same, are of the opinion that no vacancy has occurred in the office of State Senator from the Fourteenth District, and that the said Hon. J. T. Adams has not been constitutionally and legally elected as Senator aforesaid, and that the said V. A. Collins is entitled to a seat as State Senator from said Fourteenth District of Texas, and we, therefore, recommend that the said resolution offered by Willacy be referred back to the Senate with the recommendation that the same be in all things adopted.

NUGENT.  
MORROW.  
LATTIMORE.  
Sub-Committee.

#### EIGHTH DAY.

Senate Chamber,  
Austin, Texas.

Thursday, January 23, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Paulus.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Warren.
Lattimore.	Watson.

8—S

Weinert. Wiley.  
Westbrook. Willacy.

Absent—Excused.

Greer.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending further reading of the Journal of yesterday the same was dispensed with on motion of Senator Westbrook. (See Appendix for standing committee reports and petitions and memorials.)

#### SIMPLE RESOLUTION.

By Senator Wiley:

Whereas, A special session of the State Conference of Charities and Corrections, to be known as a social welfare conference, composed of delegates from many organizations interested in legislation affecting social conditions in Texas, is to be held in Austin on January 28 and 29; therefore, be it

Resolved, That the use of the Senate Chamber be tendered to the State conference for its evening sessions on the aforesaid dates.

The resolution was read and adopted.

#### BILLS AND RESOLUTIONS.

By Senator Astin:

Senate bill No. 116, A bill to be entitled "An Act to provide for an agricultural exhibit at the Panama-Pacific Exposition at San Francisco, Cal., in 1915; making necessary appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Conner:

Senate bill No. 117, A bill to be entitled "An Act amending Article 2386, Revised Statutes, 1911, and providing seal for Justice Court, and adding Article 2386-a."

Read first time and referred to Judiciary Committee No. 1.

By Senator Conner:

Senate bill No. 118, A bill to be entitled "An Act to amend Article 3878, Title 58, Revised Statutes, 1911."

Read first time and referred to Judiciary Committee No. 1.

By Senator Murray:

Senate bill No. 119, A bill to be entitled "An Act defining certain classes of in-

demnity contracts; prescribing regulations therefor, and fixing a license fee."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Murray:

Senate bill No. 120, A bill to be entitled "An Act to prohibit any person from maliciously, wilfully or wantonly making or circulating any false statement against any civil officer or candidate for any State, county, precinct or municipal office for the purpose of injuring, or which would reasonably injure, the character or candidacy of such officer or candidate, and to affix a penalty therefor."

Read first time and referred to Judiciary Committee No. 2.

Morning call concluded.

(By unanimous consent after the conclusion of the morning call.)

By Senator McNealus:

Senate bill No. 121, A bill to be entitled "An Act defining certain classes of indemnity contracts; prescribing regulation thereof, and fixing a license fee."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senators Bailey, Carter and Hudspeth:

Senate bill No. 122, A bill to be entitled "An Act to amend Subdivision 17, of Article 1121, of Chapter 2, Title 25, of the Revised Civil Statutes of Texas, 1911, relating to the creation of corporations, so as to authorize the creation of private corporations for the erection or repair of any building or improvement, and the accumulation and loaning of money for said purposes, and for the purchase, sale, subdivision and improvement of real property in towns, cities and villages, and their suburbs, not extending more than twelve miles beyond their limits, and for the accumulation and loaning of money for that purpose, instead of two miles as now provided by Subdivision 17, aforesaid, giving such corporations authority to utilize their assets for such purposes; and to amend Article 1179, of Chapter 4, Title 25, of said Revised Statutes, so as not to prohibit the lease, purchase, improvement, sale or subdivision of real property within twelve miles of any incorporated or unincorporated town, city or village in this State by such corporations hereinabove mentioned and authorized to be created, instead of two miles as now pro-

vided by said Article 1179; and further providing that if there be a courthouse in such unincorporated town, city or village, such lease, purchase, improvement, sale or subdivision may extend twelve miles in any direction from such courthouse instead of two miles as now provided by said Article 1179, and if there be no courthouse, then the twelve miles shall be measured from the depot nearest the center of such unincorporated town, city or village, and in case there be neither courthouse nor depot, then the twelve miles shall be measured from the center of such unincorporated town, city or village, instead of two miles as now provided by said Article 1179, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Bailey, Carter and Hudspeth:

Senate bill No. 123, A bill to be entitled "An Act to amend Article 1176, of Chapter 4, Title 25, of the Revised Civil Statutes of the State of Texas, 1911, so as to extend the time within which private corporations authorized by the laws of Texas, whose main purpose is not the acquisition or ownership of lands, may sell such lands as it may have acquired by lease, purchase or otherwise in excess of what is necessary to enable them to carry on their business, authorizing such corporations to improve such lands, or any portion thereof, before the sale thereof, so as to render the same tillable and habitable, authorizing such corporations to utilize their corporate assets for such purposes, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Townsend:

Senate bill No. 124, A bill to be entitled "An Act to amend Article 1905, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, fixing the time of filing an answer in all cases, where the defendant is cited by publication, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Gibson and Willacy:

Senate bill No. 125, A bill to be entitled "An Act to amend Sections 4, 5, 6, 11 and 12, of Chapter 26, Acts of Regular Session of the Thirty-second Legislature, being an act entitled 'An Act to provide for the establishment, organiza-

tion and control of public high schools in the common school districts of Texas, making an appropriation for the teaching of agriculture, domestic economy and manual training in said high schools and in certain high schools already established, and declaring an emergency,' so as to define more definitely the manner and method of electing the county school trustees, giving the length of term for which they shall serve; to define the duties of the county school trustees and the county superintendent in promoting the efficiency of the primary and the intermediate schools, in establishing high schools, in protecting the rights of all children of scholastic age, in providing transportation for children under certain conditions, in prescribing a course of study for public schools; to give the county school trustees authority to subdivide the county into school districts and to change district lands, to effect consolidation of school districts under certain conditions, defining the duties of the county superintendent and the county clerk with respect thereto, and authorizing the making of transfers; to fix the time of meeting and the pay of county school trustees; to provide for keeping a record of the terms of office of the county school trustees and defining their qualifications; and to define the duties of the State Superintendent of Public Instruction with respect to said act."

Read first time and referred to Committee on Educational Affairs.

By Senator Gibson:

Senate bill No. 126, A bill to be entitled "An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerk or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriff's accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases."

Read first time and referred to Judiciary Committee No. 1.

By Senators Nugent and Gibson:

Senate bill No. 127, A bill to be entitled "An Act to amend Article 1513, Chapter 13, Title 18, of the Penal Code of the State of Texas, as adopted at the Regular Session of the Thirty-second Legislature, 1911, relating to the selling, bartering, or giving away of examination questions for teachers' certificates, adding Articles 1513a, 1513b, repealing all

laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 128, A bill to be entitled "An Act to provide for prospecting and developing minerals on land owned by the State of Texas, or by the public free school fund, the University, asylum and other funds, and upon such land as the State has heretofore sold or may hereafter sell with reservation of the minerals therein; to provide for the disposal of the minerals and the leasing of the mineral rights in such land and prescribing the royalties and compensation to be paid to the State therefor; providing penalties for violations of this act; prescribing the terms upon which and the method by which access to mineral deposits may be acquired by condemnation or otherwise; repealing Chapter 1 of Title 93 of the Revised Civil Statutes, adopted in 1911, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senators Brelsford and Hudspeth:

Senate bill No. 129, A bill to be entitled "An Act to provide that owners of public free school lands, purchased from the State after January 1, 1907, and prior to January 1, 1913, on consideration of settlement and residence, which land may hereafter be forfeited for the non-payment of interest, shall have a right to purchase the same after forfeiture and prescribing the terms and conditions of such purchase and the sale of such land as may not be reinstated or repurchased, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Vaughan:

Senate bill No. 130, A bill to be entitled "An Act requiring individuals, copartnerships, partnerships, associations and corporations engaged in the business of a retail liquor dealer, retail malt dealer, and wholesale dealer, and wholesale distributor of spirituous and malt liquors as defined by the laws of the State, to file an annual report with the State Comptroller, showing an ownership of property and contributions for political purposes, providing a penalty for failure to make the report required by act; prohibiting retailer from acting as agent and from purchasing for sale and releasing after notice, of any business

herein named after failure to make such report; directing the Comptroller to call the attention of the Attorney General to any violation of this act, and making it the duty of the Attorney General to immediately take steps to secure the report and to enforce the law; and requiring a copy of each of these reports so made by the Comptroller to be filed with the Governor; and empowering him to employ special counsel to enforce the law in such cases, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Warren and Willacy:

Senate Concurrent Resolution No. 4, Donating to Confederate Veteran camps of Texas certain old army Enfield rifles now in their possession.

Read and referred to Committee on Military Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 2.

The Chair laid before the Senate as regular order

House Concurrent Resolution No. 2, Recommending the passage of bill pending in Congress regulating the shipment of liquor into local option territory.

The resolution was read, and Senator Watson offered the following amendment:

Amend the resolution by adding after the words "of the bill" in line 10 of the original resolution, the following: As amended by the Judiciary Committee, and by adding after the words "effectively enforced and" in line 13 of the original resolution, the following: Be it further Resolved, That the Legislature of the State of Texas does hereby pledge itself to the enactment of such laws as will effectually prevent the shipment of intoxicating liquors for any purpose as intra-state shipments from territory where same can be legally sold, into any territory in Texas where the same has been prohibited by law.

Pending discussion on the amendment by Senator Watson, Senator Westbrook made the point of order that the amendment was not germane to the subject matter of the resolution.

The Chair, Lieutenant Governor Mayes, overruled the point of order and said that in his opinion the amendment was germane for the reason that it is in the nature of an endorsement or petition carrying with it a condition sub-

sequent or pledge in the event of the passage of the Sheppard-Kenyon bill.

Senator Vaughan offered the following substitute for the resolution and the amendment:

Substitute for House Concurrent Resolution No. 2, and amendments, being concurrent resolution endorsing the legislation known as the Sheppard-Kenyon bill, as amended and reported by the Judiciary Committee of the United States Senate.

Resolved, by the Senate, the House of Representatives concurring, That we endorse and urge the immediate passage of the bill pending in the Senate of the United States, known as the Sheppard-Kenyon bill, as reported with amendments by the Judiciary Committee of the Senate of the United States, July 23, 1912, and we also endorse the proposition that the principle of such legislation should be applied by the legislatures of the several states to intra-state traffic, and so far as we may do so, we pledge ourselves to the enactment of State legislation applying such principles to intra-state traffic.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Resolved, by the Senate of the State of Texas, That the Hon. S. C. Paddleford of Johnson county, be extended the privileges of the floor of the Senate, and that he be invited to address the Senate.

MORROW.  
McNEALUS.  
LATTIMORE.

The resolution was read and adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Weinert:

Whereas, Many members of the House of Representatives, as well as of this body, find it desirable to make frequent use of the State Library, and

Whereas, The State Library is very much crowded with work and short of stenographic help, and has not the funds with which to secure additional help, therefore be it

Resolved, That the President of the Senate appoint a competent stenographer

and assign him to duty in the State Library, during the Regular Session of the Legislature, and that he be paid one hundred dollars per month, out of the contingent funds of the Senate, and in addition thereto, six dollars per month for typewriter rent.

The resolution was read and adopted.

#### RECESS.

On motion of Senator Terrell, the Senate, at 12:27 o'clock p. m., recessed until 3 o'clock.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

The Chair here appointed Senators Hudspeth, Lattimore and Nugent as a committee to present Judge Paddleford to the President's stand, he having been invited to address the Senate, by simple resolution, at the morning session. Judge Paddleford addressed the Senate.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Lattimore:

Resolved, That Senate bills Nos. 64 and 71 be recommitted.

The resolution was read and adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

Resolved, That a committee of three Senators be appointed by the President of the Senate to arrange a calendar of committee meetings, times and places, to the end that there be as little conflict in the meeting of committees as possible and that those desiring to appear before a committee on any pending bill may have an opportunity to do so.

Read and referred to Committee on Rules.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Nugent:

Whereas, The Investigating Committee appointed to investigate into the Attorney General's Department is in need of a secretary and competent stenographer; and,

Whereas, The person to be selected for this position must be one competent to take court reporting; therefore, be it

Resolved, By the Senate, that Miss Grace Hannon be appointed to act as secretary and stenographer to the aforesaid Investigating Committee until the completion of the work of said committee, to be paid for her services the sum of five (\$5.00) dollars per day;

And be it further understood that should the work of said committee be finished before the adjournment of the Senate that the aforesaid Miss Hannon will be employed as general committee clerk and stenographer until the close of the session, to be paid as aforesaid, and that also during the time that this investigation is in progress it is understood that Miss Hannon will do the work of any Senator when she is not performing her duties as secretary and stenographer of said committee.

McGREGOR.

NUGENT.

HUDSPETH,

GIBSON.

MORROW.

The resolution was read, and pending discussion on it, Senator Westbrook moved to table the resolution, which motion to table was lost by the following vote:

Yeas—4.

Collins.  
Conner.

Johnson.  
Westbrook.

Nays—26.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Cowell.  
Darwin.  
Gibson.  
Hudspeth.  
Kauffman.  
Lattimore.  
McGregor.  
McNealus.  
Morrow.

Murray.  
Nugent.  
Paulus.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent—Excused.

Greer.

The resolution was then adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Carter:

Whereas, The duties of the Senators are so onerous that it is impossible for

them to keep up with the various committee hearings, and

Whereas, Many bills in which Senators are interested go to committees of which they are not members, therefore be it

Resolved by the Senate, That when any committee has under consideration a bill introduced by some Senator not a member of the committee, the chairman of such committee be required to notify the author of the bill of the hearing before any adverse report thereon.

Signed—Collins, Westbrook, Real, Warren, Lattimore, Murray, Cowell, Nugent, Hudspeth, Johnson, Carter, Bailey, Brelsford, Astin, Vaughan, Weinert, Wiley, Darwin, Terrell, Conner, Morrow, Townsend, Watson, McGregor, Paulus, Kauffman, Taylor, McNealus, Gibson.

The resolution was read and Senator Lattimore moved to refer same to Committee on Rules.

Senator Carter moved, as a substitute, that the resolution be adopted.

The substitute motion was adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 2.

Action recurred on the pending business, House Concurrent Resolution No. 2.

Action being on the substitute by Senator Vaughan for the amendment and the resolution.

Senator Collins moved the previous question on the substitute, which motion being duly seconded, was so ordered.

Action then recurred on the substitute and the same was adopted by the following vote:

Yeas—18.

Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Johnson.	Westbrook.
Lattimore.	Wiley.

Nays—10.

Astin.	McNealus.
Bailey.	Murray.
Hudspeth.	Terrell.
Kauffman.	Watson.
McGregor.	Willacy.

Absent.

Real. Weinert.

Absent—Excused.

Greer.

The substitute was then adopted in lieu of the original resolution, by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.

Nays—1.

McNealus.

Absent.

Weinert.

Absent—Excused.

Greer.

Senator Vaughan moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 7—MADE SPECIAL ORDER.

Senator Johnson moved that Senate bill No. 7 be made a special order for Monday morning, immediately after the conclusion of the morning call.

The motion prevailed.

#### SENATE BILL NO. 36—RECOM- MITTED.

I move that Senate bill No. 36 be recommitted to Judiciary Committee No. 2.

WILLACY.

The above motion was adopted.

#### SENATE BILL NO. 101—RECOM- MITTED.

Resolved, That Senate bill No. 101 be recommitted.

NUGENT.

The above motion was adopted.

Senator Nugent moved that Senate

bill No. 101 be referred to Committee on Finance.

#### ADJOURNMENT.

Senator Taylor moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed.

#### APPENDIX.

#### A TRIBUTE TO HON. GEORGE C. PENDLETON.

By Senator Taylor:

January 20, 1913.

Members of the Bell County Bar Association met in the office of W. O. Cox of Temple.

Object of meeting having been stated by Judge John D. Robinson, upon motion Hon. George W. Tyler of Belton was elected president of the meeting and E. E. Upshaw, Clerk of the District Court, was elected Secretary.

The following tribute to the memory of the Hon. George C. Pendleton was offered and unanimously adopted:

George C. Pendleton was born in Coffee county, Tennessee, on April 23, 1845. His father removed to Ellis county, Texas, when the son was twelve years of age. The father, who was Edmund Pendleton, was a farmer, but became active in local politics and represented Ellis county two terms in the Legislature of Texas. George C. Pendleton did not leave his parents until the war between the States. He enlisted in the Nineteenth Texas Cavalry, Burford's Regiment, and in Forrest's Company in March, 1862, in which he did active service until the close of the war. Having located in Bell county, on May 16, 1870, he married Miss Helen Embree, the daughter of Elisha Embree. During the next ten years he was a traveling salesman, selling Avery's plows, and at the same time was the proprietor of a mercantile business at Old Howard, in Bell county.

Mr. Pendleton became prominent in politics and having represented Bell county already in two previous Legislatures, was elected as Speaker of the House in 1887, and made a reputation as a presiding officer. Four years later he became Lieutenant Governor. From 1892 to 1896 he was a Congressman from the district including Bell county. In all of these positions to which he had been called by the people, he rendered distinguished service and he became at

once known throughout the State. Upon voluntarily retiring from Congress and having been admitted to the bar in 1897, he began practicing law in Belton with Colonel A. M. Monteith, who was his brother-in-law, and who led the way to the other world within the last week.

Coming to Temple in 1899, he engaged in banking, but in 1906 abandoned the banking business and resumed the practice of the law in Temple and gave his entire attention to the practice of his profession until his death. Governor Pendleton, as he was familiarly called by his friends and acquaintances, was a man of recognized ability on all matters to which he directed his attention, and in the field of politics and statecraft he became distinguished. His high character left its impress upon this community, this county and this State. His great ability, genial disposition, gentleness and modesty of conduct, simplicity of manners, courteous and indulgent treatment toward all with whom he came in contact, endeared him alike to all who knew him and his urbanity of manners compelled the admiration of strangers as well as friends.

As a parliamentarian he had no superior, and but few equals. In the forum, in councils of State, in forensic discussion he was at his best, and was among the ablest men and in these his intellect flashed most. He was a unique character, as able as he was unique. Always a Democrat, he fought valiantly for the party in the interest of the people and he kept step with the party in its progress in behalf of the people, and his influence was exerted always in behalf of the Progressive Democracy, was a leader, not a follower. He had convictions on all subjects and there was never a doubt as to where he stood. His political views and position on all public questions were the fruits of matured judgment, experience and conscientious thought. His public duties were marked by zeal and love for the interests of the people. The public welfare, rather than his private interests, engaged his time and attention while in public life and even after he retired to private life, the public weal received at his hands more attention and service than his own. In councils of government, his counsel was much sought.

Though his frame, during his last years, quivered under the load of disease, his mind remained keen and alert. While he had many friends who had through all the years "linked themselves to him with links of steel," neither the partiali-

ty of friendship, nor the interest of individuals warped his judgment or tintured his conviction. His was a full and rich life and a nobly rounded career. It is fitting that such a man should fall in battle with his armor on, although if he had remained a dozen years they would have been years of usefulness and blessing. The quickness of his departure adds lustre to his example.

The dignity of his manhood resented all that was mean and debase and his virtues lent a charm of manner and social attractiveness that gave him pre-eminence. The page of his life was clearly written and his record is unchallenged. His ideals were plain and true. No gilded pomp or ostentatious show blighted the simplicity of his life. He loved his people and they loved him. He was wont to dwell on facts of history and personal reminiscence bountifully punctured with metaphor and anecdote. His friends were delighted hearers and he was an interesting conversationalist.

George C. Pendleton is no more; but his influence still lives. Well might this epitaph be written on his tomb,

"To live in hearts we leave behind  
Is not to die."

We testify to the love that the lawyers and citizens of Bell county have for her distinguished and lamented son—gone, too soon, to his long rest. With a body weakened by hard continuous work, he looked forward to meeting the King of Terrors with the same courage and composure with which he met every foe, but knowing that he would go the way of all the earth. Having led a life without blame or guile, a believer in the Christ with no doubt of the welcome awaiting him on the other shore, he passed from the peaceful sleep of life to the sleep of death. To his bereaved widow and stricken family, our hearts go out in tenderness and love, and when they approach the Eternal Throne, may they bid a glad good-bye to this world and meet the husband and father in the life everlasting. And while they will not see him again here, may they afterwards be with him "forever there, where parting, pain and care shall disappear." And until they and we all meet him again, may the consolation abide that

his career has been a wholesome example in right living, high thinking and unselfish service in private and public walks of life, and that his fragrant memory will be an inspiration to those who loved him while living and mourn him dead.

The Secretary was instructed to enter the foregoing upon the minutes of the District Court of Bell county; to furnish a copy to the press and a copy to the family of the deceased; a copy to the clerk of the county court of Bell county, a copy to the Senate and House of Representatives at Austin, and to the Court of Civil Appeals of the Third Supreme Judicial District of the State of Texas at Austin, with the request that the same be entered upon the Journals of both the Senate and the House, and upon the minutes of said Court of Appeals. Suitable arrangements were made by the bar for floral offerings.

Upon motion of W. O. Cox, Hon. Geo. W. Tyler was elected permanent president and E. E. Upshaw, permanent secretary of the Bell County Bar Association.

It was then moved and carried that the Bar attend in a body the funeral of Mr. Pendleton. Twenty-three attorneys and members of the Association were present.

GEO. W. TYLER, President.  
E. E. UPSHAW, Secretary.

#### PETITIONS.

By Senator McNealus the following letter:

Dallas, Texas, Jan. 22, 1913.

Senator J. C. McNealus, Austin, Texas.

Dear Sir: We understand there is to be considered on the 25th inst., at 10 o'clock a. m., a bill that will work a hardship on reciprocal insurance companies, such as the Lumbermen's Underwriters and other similar companies doing business in the State.

We are sending you attached a substitute for this bill and will thank you very much to be present and give this your attention. Yours very truly,

A. G. McAdams Lumber Co.,  
By A. G. McAdams, President.

By Senator Brelsford:

Petition numerously signed by citizens of Taylor county asking favorable consideration of Senate bill No. 29, which would authorize the M. K. & T. Ry. Co., to lease a number of short line railroads.



## COMMITTEE REPORTS.

(By Unanimous Consent.)

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A majority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Title 48, Chapter 19, Article 2900 of the Revised Civil Statutes of Texas, of 1911, relating to scholastic age; and to amend Title 48, Chapter 13, Article 2774 and Article 2775 of the Revised Civil Statutes of Texas of 1911, relating to the manner of taking scholastic census, and the duty of the census trustee, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with amendments in Section 1, to strike out the words "twenty years" wherever it appears, and substitute in lieu thereof the words "eighteen years."

Amend Section 2 by striking out the words "first day of May and the first day of June," where it appears, and substitute in lieu thereof the words "first day of March and the first day of April."

PAULUS, Chairman.

Committee Room

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A minority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Title 48, Chapter 19, Article 2900 of the Revised Civil Statutes of Texas of 1911, relating to scholastic age; and to amend Title 48, Chapter 13, Article 2774 and Article 2775 of the Revised Civil Statutes of Texas of 1911, relating to the manner of taking scholastic census, and the duty of the census trustee, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with amendments.

Amend Section 2 by striking out the words "first day of May and the first day of June" and insert in lieu thereof

the words "first day of March and the first day of April."

WILEY.  
COWELL.  
GIBSON.

Committee Room,

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 86, A bill to be entitled "An Act authorizing the trustees of common school districts and independent school districts to direct the time for conducting the public free schools in such districts at such time, and in such number of terms as may be deemed by them for the best interest of those within the scholastic age entitled to attend such schools and to suspend any term of such schools when the average daily attendance thereon in any one month shall fall below 30 per cent of the scholastic population of such district, and providing for an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

Committee Room,

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to establish the Central West Texas Normal College, provided that the State Board of Education shall control the same, and making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with amendments, that members of committee are not bound to support bill on floor of Senate.

PAULUS, Chairman.

Committee Room,

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 59, A bill to be entitled "An Act to amend Article 7313, Chapter 8, Title 124, Revised Statutes of

Texas; and Article 1283, Title 17, Chapter 4, Penal Code of Texas, and to further empower the Livestock Sanitary Commission of the State of Texas to protect livestock against contagious, infectious or communicable diseases and to provide penalties for violations of the laws and of the rules and regulations of the Livestock Sanitary Commission prohibiting the movement of livestock and the prevention of the spread of contagious diseases, and for violation of the quarantine rules and regulations of the Livestock Sanitary Commission,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

ASTIN, Chairman.

Committee Room,

Austin, Texas, January 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 22, A bill to be entitled "An Act amending Chapter 104, of the General Laws, passed by the Thirty-second Legislature, at its Regular Session, by adding at the end of Section 2, Sections 2a and 2b, prescribing additional duties for the State Inspector of Masonry, Public Buildings and Works, and providing for the appointments of assistants by him, defining their duties and fixing their compensation, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that the accompanying committee substitute be passed in lieu thereof.

DARWIN, Chairman.

(Substitute bill.)

A BILL

To Be Entitled

An Act amending Chapter 104 of the General Laws passed by the Thirty-second Legislature at its Regular Session, by adding at the end of Section 2, Sections 2a and 2b, prescribing additional duties for the Inspector of Masonry, Public Buildings and Works, and providing for the appointments of assistants by him, defining their duties and fixing their compensation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 104 of the

General Laws passed by the Thirty-second Legislature at its regular session, be and the same is hereby amended by adding after the end of Section 2, two other sections to be known as Sections 2a and 2b, as follows, to-wit:

Section 2a. The State Inspector of Masonry, Public Buildings and Works is hereby authorized and it is made his duty to inspect all plans and specifications for public buildings and structures and additions thereto, that are to be constructed by contract or otherwise for the State of Texas, prior to the time such plans and specifications are adopted, and he may, with the consent of the Governor, reject any and all of such plans and specifications, and he shall aid the committee, board or person having such matters in charge in preparing such plans and specifications as is intended and desired and he shall have full and final superintendence on all buildings, structures, or additions thereto that may be constructed by contract or otherwise for the State of Texas, according to the term of contract.

Section 2b. The State Inspector of Masonry, Public Buildings and Works shall, with the consent of the Governor, when the work in his department requires it, appoint such assistants as he may need, not to exceed two, who shall have the same qualifications as is provided by law for the State Inspector of Masonry, Public Buildings and Works, and who shall during their period of service receive an annual salary of eighteen (\$1800.00) hundred dollars per year payable in equal monthly installments and also their actual and necessary traveling expenses while in the performance of their duties under this act; provided, however, that such expenses do not exceed twelve (\$1200.00) hundred dollars per annum, such expenses to be paid on itemized accounts, signed and sworn to by such assistants and approved by the State Inspector of Masonry, Public Buildings and Works; provided, however, that the State Inspector may discontinue the service of any such assistants at any time his service is no longer needed, such assistant, when so appointed shall assist the State Inspector of Masonry, Public Buildings and Works, in the performance of his duties under the direction of said officer.

Section 2. The fact that there is now a large amount of State work in the course of construction and soon to be under construction, and plans and specifications therefor to be drawn, creates an emergency and imperative public ne-

cessity that the Constitutional Rule requiring that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(By Unanimous Consent.)

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 70, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas adopted at the regular session of the Thirty-second Legislature, so as to add thereto after Article 3078, Article 3078a, providing for the nomination of candidates for President of the United States, and party political electors, and the election of delegates to the National convention of the respective political parties of this State, to be chosen by a direct preferential primary, and providing an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

(By Unanimous Consent.)

Committee Room,

Austin, Texas, January 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred Simple Resolution:

Resolved, That 800 copies of the Senate Journal be printed each day, 150 of which shall be for the use of the House of Representatives, and shall be delivered to the Sergeant-at-Arms of that body by the printers, one copy to the Governor and one to each of the heads of departments, and the remainder to be prorated among the members of the Senate,

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with the amendment that "600" be inserted in lieu of "800" in the resolution.

WARREN, Chairman.

(By Unanimous Consent.)

Committee Room,

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act granting to the Cuero Light & Power Company, now owning and maintaining a dam across the Guadalupe river near Cuero, Texas, being a corporation duly incorporated under the laws of the State of Texas, having its domicile in the city of Cuero, in DeWitt county, Texas, and having there established its principal offices and place of business, power, privilege and authority to maintain its dam already in existence and to erect, build, construct, maintain and operate two additional dams across the Guadalupe river in DeWitt county, Texas, one at any point on said river above what is known as Heard's bridge, a public highway of DeWitt county, Texas, across said river, and between said Heard's bridge and what is known as the Clinto bridge across said river in DeWitt county, Texas, also being a public highway bridge, and the other dam to be erected at some point within one mile below or above what is known as the Rochheim bridge across said Guadalupe river in DeWitt county, Texas, the same being a public highway bridge across said river, and in connection with each of said dams to erect reservoirs, lakes, locks, abutments, buildings and machinery; and to grant to said Cuero Light & Power Company the privilege and right to use all of the land and water and riparian rights, and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river between the points above mentioned and at the location of the dam now owned by them, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon said corporation the power, authority and privilege to dam and overflow the water of said Guadalupe river and its tributaries at the points above mentioned and up said stream from said points of said dams as far as the back water or reservoirs of said dams would extend; and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river from said dams across said Guadalupe river as far back as any back water or reservoir will extend; and to back the

water in said Guadalupe river and its tributaries up the said river above mentioned to any height, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

(By Unanimous Consent.)

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 98, A bill to be entitled "An Act to amend Articles 1070, 1071, 1072, 1073, 1074, 1075 and 1076 of Title 22, Chapter 15 of the Revised Statutes of Texas of 1911, and to add to said chapter, Articles 1076a, all of said articles relating to and regulating the adoption of the commission form of government by cities and towns, and towns and villages, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CARTER, Chairman.

(By Unanimous Consent.)

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 50, A bill to be entitled "An Act to amend the charter of the city of Longview, entitled 'An Act to incorporate the city of Longview and to grant a new charter; to define its powers and to prescribe its duties and liabilities, and to declare, an emergency,' as passed by the Thirty-second Legislature and amended by the first called session of the Thirty-second Legislature, by amending Sections 7, 25, 26 and 72, and by adding Sections 26a and 72a, permitting the taxation of automobiles and validating certain bond issues, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CARTER, Chairman.

(By Unanimous Consent.)

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 57, A bill to be entitled "An Act to validate incorporations of towns and villages heretofore attempted to be made under the provisions of Chapter 11, Title 18, of the Revised Civil Statutes of 1895, and of the law providing for the same under Chapter 14, Title 22, of the Revised Statutes of 1911, but which attempted incorporations failed to comply with all the requirements of said chapters and titles, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CARTER, Chairman.

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 64, A bill to be entitled "An Act to amend Title 7, Chapter 2, Article 303 of the Revised Statutes of the State of Texas, so as to exclude grocery stores and markets from the provisions thereof,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

CONNER, Chairman.

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 81, A bill to be entitled "An Act to amend Chapter 15 of Title 15 of the Penal Code of the State of Texas, as adopted at the regular session of the Twenty-fourth Legislature, by adding Article 713a after Article 713, prescribing that where a defendant by the introduction of evidence puts in issue the character of the deceased, and should an issue arise as to who commenced the difficulty, it shall then be competent for the State to introduce

evidence of the general character of the defendant, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 68, A bill to be entitled "An Act to amend Article 3690, Chapter 4, Title 53, of the Revised Civil Statutes of Texas of 1911, so as to include 'de- visees or legatees' among the class of persons prohibited from testifying in ac- tions by or against executors, adminis- trators of guardians in which judgment may be rendered for or against them as such, and declaring an emergency,"

Have had the same under considera- tion and I am instructed to report same back to the Senate with the recommenda- tion that it do pass.

CONNER, Chairman.

Committee Room.

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 71, A bill to be entitled "An Act making it unlawful for a Sena- tor or Representative-elect, to receive employment, fees, gifts, loans or com- pensation as officer, agent, representative or attorney from certain corporations or persons and prescribing penalties there- for, and creating an emergency,"

Have had the same under considera- tion and I am instructed to report same back to the Senate with the recommenda- tion that it do pass with the follow- ing amendment:

Amend by inserting the words "or op- posing" in the last line of Section 1 following the word "seeking."

CONNER, Chairman.

(By Unanimous Consent.)

Committee Room,

Austin, Texas, January 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 89, A bill to be entitled

"An Act to make an appropriation for one Cashier for the Secretary of State for the fiscal year ending August 31, 1913, prescribing the duties of said Cashier, and declaring an emergency,"

Have had the same under considera- tion and I am instructed to report same back to the Senate with the recommenda- tion that it do pass.

LATTIMORE, Acting Chairman.

## NINTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, January 24, 1913.

The Senate met pursuant to adjourn- ment and was called to order by Lieu- tenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Terrell.

(See appendix for petitions and me- morials and standing committee re- ports.)

## REPORT OF CODIFYING COMMIS- SION.

The Chair had the following report read to the Senate:

To the Governor and Members of the Thirty-third Legislature, in Regular Session, Austin, Texas.

Gentlemen: The undersigned commis- sioners appointed by the act of March 11, 1911, to complete the work on the civil and criminal codes, adopted on the same day, respectfully represent: